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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5892 of 2007

Rajesh Vasudeo Purohit ...Petitioner

v/s.

The Civil Surgeon,
Civil Hospital, Ratnagiri & anr. ...Respondents

Mr.S.M.Railkar for the Petitioner

CORAM : B.H.MARLAPALLE,J.
DATED : 29th November, 2007

P.C.

Heard Mr. Railkar, the Learned Counsel for the Petitioner who has succeeded before the Labour Court in Comp(ULP)No. 21/1998 and the Learned Judge of the Labour Court directed not to terminate his service without following due process of law. This order has been confirmed by the Industrial Court in Revision Application (ULP)No. 117/2006 on 5-4-2007. In the said order the Learned Member of the Industrial Court has observed that though the applicant is directed to be continued in service, he has to make way for a permanent/regular employee as and when recruited by following the procedure laid down under the Rules. Mr. Railkar submitted that Complainant has already filed the complaint seeking the relief of permanency and same is

pending before the Industrial Court at Kolhapur.

2. It is hereby clarified that the complaint for permanency pending before the Industrial Court will have to be decided on its own merits and the clarification given by the Industrial Court while dismissing the revision application need not come in the way in deciding the said complaint. Save and except this clarification, no interference is called for and infact both the orders are in favour of the petitioner. Hence, the petition is rejected summarily.

[B.H.MARLAPALLE,J.]